

430 Rec'd PCT/PTO 06 JAN 2000

09/445788 #3

Practitioner's Docket N . 5673-53922/WDN

## IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

PCT/GB98/01683	June 6, 1998	June 6, 1997
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
LIVE ATTENUATED VACCINES		
TITLE OF INVENTION		
Thomas John Baldwin, Saverio Peter Borriello, Helen Mary Palmer		
APPLICANT(S) FOR DO/US		

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: DO/US

COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL  
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. § 371

(check and complete the following item, if applicable)

- ☐ This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.494 (FORM PCT/DO/EO/905).
- ☐ A copy of FORM PCT/DO/EO/905 accompanies this response.

**CERTIFICATION UNDER 37 C.F.R. § 1.10\***  
(Express Mail label number is mandatory.)  
(Express Mail certification is optional.)

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date January 6, 2000, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL307981368US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

William D. Noonan, M.D.

(type or print name of person mailing paper)

William D. Noonan

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 1 of 6)

**WARNING:** Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 20 months from the priority date, the application is still considered to be in the international stage. If mailing procedures are utilized to obtain a date, the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 C.F.R. § 1.8(2)(d)).

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.494(f).

## DECLARATION OR OATH

- I. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**NOTE:** For surcharge fee for filing declaration after filing date, complete item IV(2).

**NOTE:** Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are:

(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

(B) serial number and filing date;

(C) attorney docket number which was on the specification as filed;

(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.

M.P.E.P. § 601.01(a), 7th ed. Notice of September 12, 1983 (1035 O.G. 3). See M.P.E.P. § 601.01(a), 7th ed.

**NOTE:** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

**NOTE:** 37 C.F.R. § 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

(complete (a) or (b), if applicable)

Attached is a

- (a) ☒ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (b) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

## AMENDMENT

II. (complete as applicable)

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.
- ☐ The attached amendment cancels claims \_\_\_\_\_ inclusively.

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 2 of 6)

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

III. ☐ Submitted herewith, is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. § 1.494(b)(2)).

NOTE: For fee for processing a non-English application, and submission of an English translation later than 20 months after the priority date, complete item IV(3) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).

**FEES****IV.**

NOTE: See 37 C.F.R. § 1.28(a).

**1. Fees for claims**

- ☐ Each independent claim in excess of 3  
(37 C.F.R. § 1.492(b)—\$78.00; small entity—\$39.00) \$ \_\_\_\_\_
- ☐ Each claim in excess of 20  
(37 C.F.R. § 1.492(c)—\$18.00; small entity—\$9.00) \$ \_\_\_\_\_
- ☐ Multiple dependent claim(s)  
(37 C.F.R. § 1.492(d)—\$260.00;  
small entity—\$130.00) \$ \_\_\_\_\_

**2. Surcharge fees**

- ☐ Surcharge set forth in § 1.492(e), for accepting the declaration later than 20 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00 \$ \_\_\_\_\_

NOTE: The processing fee in the next item (Number 3) below is not subject to a reduction for small entity status.

**3.**

- ☐ Processing fee set forth in § 1.492(f), for acceptance of an English translation later than 20 months after the priority date—\$130.00 \$ \_\_\_\_\_

Total fees \$ \_\_\_\_\_

### SMALL ENTITY STATUS

V. ☐ A statement that this filing is by a small entity

NOTE: See 37 C.F.R. § 1.28(a).

(check and complete applicable items)

- a. ☐ is attached.  
☐ was filed on \_\_\_\_\_ (original).  
b. ☐ A separate refund request accompanies this paper.

### EXTENSION OF TIME

(complete (a) or (b), as applicable)

VI.

The proceedings herein are for a patent application. The provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below

<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

VII. The total fee due is:

Completion fee(s) \$ \_\_\_\_\_ 0.00

Extension fee (if any) \$ \_\_\_\_\_ 0.00

TOTAL FEE DUE \$ \_\_\_\_\_ 0.00

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 4 of 6)

**PAYMENT OF FEES****VIII.**

- ☐ Enclosed is a check in the amount of \$ \_\_\_\_\_
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_

A duplicate of this request is attached.

**NOTE:** Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

**AUTHORIZATION TO CHARGE ADDITIONAL FEES****IX.**

**WARNING:** Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☐ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper, and during the entire pendency of this application, to Account No. 02-4550
- ☐ 37 C.F.R. §§ 1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)
- ☐ 37 C.F.R. § 1.492(b) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing, or on later presentation, must only be paid, or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

**WARNING:** While 37 C.F.R. § 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. § 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

**NOTE:** 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 5 of 6)

- ☐ 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 20 months from the earliest claimed priority date)

**WARNING:** *It is suggested that you always check this last authorization.*

- [X] Please return the enclosed postcard to confirm that the items listed above have been received.

Reg. No. 30,878

Tel. No.: (503) 226-7391

Customer No.:

*William D Noonan*

**SIGNATURE OF PRACTITIONER**

William D. Noonan, M.D.

*(type or print name of practitioner)*

Klarquist Sparkman Campbell  
Leigh & Whinston, LLP

**Address.**

One World Trade Center  
121 S.W. Salmon Street, Suite 1600

Portland, OR 97204

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office  
(DO/US) under 35 U.S.C. § 371 [13-8]—page 6 of 6)

PTO/PCT Rec'd 06 JAN 2000

PATENT

Atty. Ref. No. 5673-53922

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Baldwin et al.

Art Unit: Unknown

Application No.: Unknown

Filed: December 9, 1999

For: LIVE ATTENUATED VACCINES

Examiner: Unknown

Date: January 6, 2000

Box PCT  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

## CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on January 6, 2000 as Express Mail, Label No. EL307981368US, addressed to: BOX PCT, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

*William D. Noonan*  
William D. Noonan, M.D.  
Attorney for Applicant

## STATEMENT

The undersigned registered attorney hereby confirms that the application filed in the U.S. Patent and Trademark Office (PTO) on December 9, 1999, is identical to the application that the inventors have executed by signing the attached declarations. This application, filed in the PTO under § 371 on December 9, 1999, under attorney matter number 5673-53922, by Express Mail, Label No. EL307981385US, is identical to international application no. PCT/GB98/01683, filed June 6, 1998.

The surcharge of \$130.00 for accepting the declaration later than 20 months after the priority date in filing an application in the U.S. as a designated office was paid at the time of filing, namely December 9, 1999, as shown on the attached transmittal letter (Exhibit A). Therefore, no additional fee or authorization is included in this action.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP

By *William D. Noonan*  
William D. Noonan, M.D.  
Registration No. 30,878

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446

430 Rec'd PCT/PTO 06 JAN 2000

(Rel. 79-4/99 Pub. 605)

FORM 13-8

13-111

Practitioner's Docket No. 5673-53922/WDN

SEP 01 2000

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

PCT/CB98/01683 June 6, 1998 June 6, 1997  
INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED

LIVE ATTENUATED VACCINES  
TITLE OF INVENTION

Thomas John Baldwin, Saverio Peter Borriello, Helen Mary Palmer  
APPLICANT(S) FOR DO/US

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTENTION: DO/US

COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL  
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. § 371

(check and complete the following item, if applicable)

- ☐ This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.494 (FORM PCT/DO/EO/905).
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William D. Noonan, M.D.

(type or print name of person mailing paper)

William D. Noonan

Signature of person mailing paper

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RECEIVED  
01 2000

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### DECLARATION OR OATH

- I. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

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M.P.E.P. § 601.01(a), 7th ed. Notice of September 12, 1983 (1035 O.G. 3). See M.P.E.P. § 601.01(a), 7th ed.

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(complete (a) or (b), if applicable)

Attached is a

- (a) ☒ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (b) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

### AMENDMENT

II.

(complete as applicable)

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.
- ☐ The attached amendment cancels claims \_\_\_\_\_ inclusively.

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 2 of 6)

RECEIVED

01 2000

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

III. ☐ Submitted herewith, is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. § 1.494(b)(2)).

NOTE: For fee for processing a non-English application, and submission of an English translation later than 20 months after the priority date, complete item IV(3) below.

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**FEES****IV.**

NOTE: See 37 C.F.R. § 1.28(a).

**1. Fees for claims**

- ☐ Each independent claim in excess of 3  
(37 C.F.R. § 1.492(b)—\$78.00; small entity—\$39.00) \$ \_\_\_\_\_
- ☐ Each claim in excess of 20  
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- ☐ Multiple dependent claim(s)  
(37 C.F.R. § 1.492(d)—\$260.00;  
small entity—\$130.00) \$ \_\_\_\_\_

**2. Surcharge fees**

- ☐ Surcharge set forth in § 1.492(e), for accepting the declaration later than 20 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00 \$ \_\_\_\_\_

NOTE: The processing fee in the next item (Number 3) below is not subject to a reduction for small entity status.

**3.**

- ☐ Processing fee set forth in § 1.492(f), for acceptance of an English translation later than 20 months after the priority date—\$130.00 \$ \_\_\_\_\_
- Total fees \$ \_\_\_\_\_

### SMALL ENTITY STATU

V. ☐ A statement that this filing is by a small entity

NOTE: See 37 C.F.R. § 1.28(a).

*(check and complete applicable items)*

- a. ☐ Is attached.  
☐ was filed on \_\_\_\_\_ (original).  
b. ☐ A separate refund request accompanies this paper.

### EXTENSION OF TIME

*(complete (a) or (b), as applicable)*

#### VI.

The proceedings herein are for a patent application. The provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below

<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefore.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

VII. The total fee due is:

Completion fee(s) \$ \_\_\_\_\_ 0.00  
Extension fee (if any) \$ \_\_\_\_\_ 0.00  
TOTAL FEE DUE \$ \_\_\_\_\_ 0.00

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 4 of 6)

**PAYMENT OF FEES****VIII.**

- ☐ Enclosed is a check in the amount of \$ \_\_\_\_\_
- ☐ Charge Account No. \_\_\_\_\_ In the amount of \$ \_\_\_\_\_

A duplicate of this request is attached.

**NOTE:** Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

**AUTHORIZATION TO CHARGE ADDITIONAL FEES****IX.**

**WARNING:** Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☐ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper, and during the entire pendency of this application, to Account No. 02-4550
- ☐ 37 C.F.R. §§ 1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)
- ☐ 37 C.F.R. § 1.492(b) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing, or on later presentation, must only be paid, or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

**WARNING:** While 37 C.F.R. § 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. § 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

**NOTE:** 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

- ☐ 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 20 months from the earliest claimed priority date)

**WARNING:** *It is suggested that you always check this last authorization.*

- [X] Please return the enclosed postcard to confirm that the items listed above have been received.

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Customer No.:

*William D Noonan*

**SIGNATURE OF PRACTITIONER**

William D. Noonan, M.D.

*(type or print name of practitioner)*

Klarquist Sparkman Campbell  
Leigh & Winston, LLP

**Address**

One World Trade Center  
121 S.W. Salmon Street, Suite 1600  
Portland, OR 97204

UNITED STATES of AMERICA -- PATENT APPLICATION  
=====

ASSIGNMENT by Joint Inventors  
=====

THIS AGREEMENT AND ASSIGNMENT is made BETWEEN:

[1] (Dr) ..Thomas John BALDWIN.....  
of .....

[2] (Prof) ..Saverio Peter BORRIELLO.....  
of .....

[3] (Dr) ..Helen Mary PALMER.....  
of .....

(hereinafter referred to as 'Assignors') of the one part:

AND

The MEDICAL RESEARCH COUNCIL, a corporation organized under the laws of the United Kingdom, of 20 Park Crescent, London W1N 4AL, UK;

(hereinafter referred to as 'Assignee') of the other part:

WHEREAS

A: Said Assignors are (together and to the exclusion of all others) joint inventors and joint applicants of an Application for Letters Patent of the United States of America identified as follows:

No: (USPTO phase (35 USC 371) of) PCT GB 98 01683 filed 9 June 1998

For: .... Live Attenuated Vaccines ..... ; (hereinafter referred to as 'Patent Application'):

B: Said Assignors desire to make and said Assignee desires to receive an assignment of the entire right and title in and to said Patent Application and the invention disclosed therein:

NOW THEREFORE by this AGREEMENT and ASSIGNMENT it is hereby WITNESSED as follows, THAT:

1: In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid to said Assignors by said Assignee, receipt whereof is hereby acknowledged, said Assignors do hereby assign, sell, transfer and set over unto said Assignee absolutely the entire benefit of said Patent Application and the invention disclosed

therein, including the entire right title and interest in to and under the same and all rights powers liberties and immunities arising or to arise therefrom and from any and all continuations and continuations-in-part thereof and from any and all Letters Patent which may be granted thereon and any reissue or reissues of such Letters Patent, the same to be held and enjoyed by said Assignee, for its own use and behoof and for the use and behoof of its successors, assigns or other legal representatives, to the end of the full term or terms for which Letters Patent of the United States are or may be granted or reissued, as fully and entirely as the same would or could have been held and enjoyed by the said Assignors if this assignment and sale had not been made; together with any and all claims for damages by reason of past infringement of said Letters Patent, with the right to sue for, and collect the same for its own use and behoof, and for the use and behoof of its successors, assigns and other legal representatives:

2: Said Assignors and each of them hereby undertake (at the expense of said Assignee) to do all acts and execute all documents necessary or desirable for further assuring the title of said Assignee to said Patent Application:

3: Said Assignors and each of them hereby assure warrant and covenant with said Assignee that they are lawfully entitled to assign and transfer the entire interest herein assigned, and that they have not executed, and will not execute, any instrument in conflict herewith:

Done and witnessed by the hands of the abovenamed Assignors in the presence of the below-named witnesses:

[1] T. J. Baldwin date 22/12/99  
(Dr) Thomas J. Baldwin In the presence of [witness]  
TC Stancliffe [signature]  
at [place] CAMBRIDGE TC STANCLIFFE [name]  
31 Loys Rd CAMBRIDGE [address]  
CB4 2AR

[2] \_\_\_\_\_ date \_\_\_\_\_  
(Dr) ..... In the presence of [witness]  
\_\_\_\_\_ [signature]  
at [place] \_\_\_\_\_ [name]  
\_\_\_\_\_ [address]

[3] <sup>signature</sup> Helen M Palmer X date 16.12.99 X  
(Dr) Helen M Palmer ..... X In the presence of [witness]  
J. P. Leeming [signature]  
at [place] Bristol X JOHN P. LEEMING [name]  
10 PINWOOD CLOSE [address]  
BRISTOL BS9 4AJ X

UNITED STATES of AMERICA -- PATENT APPLICATION

=====

ASSIGNMENT by Joint Inventors

=====

THIS AGREEMENT AND ASSIGNMENT is made BETWEEN:

[1] (Dr) ..Thomas John BALDWIN.....

of .....

[2] (Prof) ..Saverio Peter BORRIELLO.....

of

*Public Health Laboratory Service*

[3] (Dr) ..Helen Mary PALMER.....

of .....

*sign + date  
again please  
S.P. Borriello  
22/12/99*

(hereinafter referred to as 'Assignors') of the one part:

AND

The MEDICAL RESEARCH COUNCIL, a corporation organized under the laws of the United Kingdom, of 20 Park Crescent, London W1N 4AL, UK;

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Done and witnessed by the hands of the abovenamed Assignors in the presence of the below-named witnesses:

[1] \_\_\_\_\_ date \_\_\_\_\_  
(Dr) ..... In the presence of [witness]  
\_\_\_\_\_ [signature]  
at [place] \_\_\_\_\_ [name]  
\_\_\_\_\_ [address]

[2] X Prof. S. P. Borriello X date X 22/12/99 X  
(Dr) S. P. BORRIELLO. In the presence of [witness]  
\_\_\_\_\_ [signature]  
at [place] X LONDON NW X DR A C MCCARTINE [name]  
\_\_\_\_\_ CPK, 61 COUNDRUE [address]  
\_\_\_\_\_ LONDON NW9 5HT

[3] \_\_\_\_\_ date \_\_\_\_\_  
(Dr) ..... In the presence of [witness]  
\_\_\_\_\_ [signature]  
at [place] \_\_\_\_\_ [name]  
\_\_\_\_\_ [address]